

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS and GREG  
ABBOTT, in his official capacity as Governor  
of the State of Texas,

Defendants.

Case No. 3:21-cv-173-KC

**[PROPOSED] PRELIMINARY INJUNCTION**

This matter comes before the Court on the United States' Emergency Motion for a Temporary Restraining Order or Preliminary Injunction (Motion). On August 3, 2021, the Court granted the Motion and issued a temporary restraining order against Texas Governor Greg Abbott's "executive order No. GA-37 relating to the transportation of migrants during the COVID-19 disaster," issued on July 28, 2021 (the executive order). On August 13, 2021, the Court extended the temporary restraining order until August 27, 2021. Upon consideration of the Complaint, the Motion and materials filed in support thereof and in opposition thereto, and the evidence submitted at the August 13, 2021 hearing on the Motion, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this case, there is good cause to believe it will have jurisdiction over all the parties, and venue in this district is proper. The United States is likely to prevail on its claims that the executive order violates the Supremacy Clause of the U.S. Constitution because (1) it conflicts with, and poses an obstacle to, federal immigration law; and (2) it violates principles of intergovernmental immunity.

2. The executive order would cause irreparable injury to the United States and to individuals whom the United States is charged to protect, jeopardizing the health and safety of noncitizens in federal custody, risking the safety of federal law enforcement personnel and their families, exacerbating the spread of COVID-19, and unlawfully restricting the transport of certain migrants both in and out of federal custody in conflict with federal law.

3. The balance of equities and the public interest favor the United States because the executive order would interfere with federal immigration operations, undermine border security, exacerbate the spread of COVID-19, and improperly limit the transport of certain migrants, and these harms outweigh any harm to Defendants from an injunction.

Accordingly, IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 65, the Motion is GRANTED.

IT IS FURTHER ORDERED that Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them are enjoined from taking any action to enforce the executive order.

IT IS FURTHER ORDERED this preliminary injunction shall remain in force until resolution of this action on the merits.

SO ORDERED, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

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UNITED STATES DISTRICT JUDGE